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13 **RULES AND REGULATIONS GOVERNING**
14 **CHEMICAL TOILETS**

15 **Article 19**
16 **26 Guam Administrative Rules and Regulations**
17 **Division 1**
18 **Chapter 4**
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36 **DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES**
37 **DIVISION OF ENVIRONMENTAL HEALTH**
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1 **EXEMPTION FROM ECONOMIC IMPACT STATEMENT**
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3 The implementation of the following proposed rules and regulations will not have an economic
4 impact to the public of more than Five Hundred Thousand Dollars (\$500,000) annually. As
5 provided in § 9301(i) of Title 5 GCA, Chapter 9, Article 3, an economic impact statement is not
6 required for these proposed rules and regulations.
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1 **§41901. Purpose.**

2 The purpose of these rules and regulations is to protect and promote public health through
3 the proper disposal of human waste when using chemical toilets. These rules and regulations
4 shall be liberally construed by the Department of Public Health and Social Services and applied
5 to ensure compliance with sanitary requirements.

6 **§41902. Authority.**

7 Title 10 Guam Code Annotated, Chapter 20, Section 20105, and Chapter 39, Section
8 39107 authorize the Director of the Department of Public Health and Social Services to adopt
9 rules and regulations to carry out the provisions of these chapters.

10 **§41903. Definitions.**

11 As used in these rules and regulations, the following definitions shall apply:

12 (a) *Building* means any dwelling, apartment house, hotel, business establishment,
13 commercial establishment, church, meeting hall, or any other building used for human
14 occupancy, business activity or assembly.

15 (b) *Chemical Toilet Establishment* means the location where the chemical toilets and
16 sewage pumper trucks are maintained, serviced, and stored.

17 (c) *Chemical Toilet Operator* means a person or business entity, who owns or
18 manages, or proposes to own or manage, chemical toilets.

19 (d) *Chemical Toilet* means a building or structure housing one (1) or more water-tight
20 containers of liquid chemical disinfectants intended to receive and hold human excrement.

21 (e) *Department, or DPHSS*, means the Guam Department of Public Health and Social
22 Services.

1 (f) *Director* means the Director of the Department of Public Health and Social
2 Services or his/her designated representative.

3 (g) *Route Units* means chemical toilets placed on construction sites or other locations
4 that require regularly scheduled service.

5 (h) *Sanitary Permit* means the official Department of Public Health and Social
6 Services document issued by the Department authorizing the establishment to operate its
7 business.

8 (i) *Sewage Pumper Truck* means a truck with a large tank and the capability to pump
9 liquids or slurries into and out of the tank.

10 (j) *Special Event Units* means chemical toilets placed on a site on a short term basis
11 that require irregular or on-demand service.

12 (k) *Stool* means a toilet facility maintained within a toilet room for the purpose of
13 both defecation and urination.

14 (l) *Toilet Facility* means a fixture maintained within a toilet room for the purpose of
15 both defecation and urination.

16 (m) *Toilet Room* means an enclosure containing one or more toilet facilities.

17 (n) *Wastewater* means untreated or insufficiently treated human excreta; food wastes
18 disposed of through plumbing facilities; wash water; wastewater from toilets, sinks, basins,
19 showers, washing machines and similar plumbing fixtures; and other liquid wastes from
20 residences, commercial buildings, and industrial establishments or other places of assembly, and
21 such diluting water as may have entered the waste disposal system.

22 **§41904. Chemical Toilets.**

1 No chemical toilets shall be used except under permit and inspection of the Department.
2 No building, as defined herein, shall use chemical toilets for the disposal of human wastes.
3 Chemical toilets may be used at construction sites, outdoor recreation areas and similar areas
4 approved by the Director.

5 **§41905. Sanitary Permit.**

6 (a) No person shall directly or indirectly in any manner, conduct, control, manage,
7 maintain, or operate a chemical toilet establishment unless a valid Sanitary Permit issued by the
8 Department to operate such a facility has been obtained and posted. Any person, before
9 constructing a new chemical toilet establishment, or making an addition to, or major alteration
10 of, an existing facility shall first submit plans and specifications of such building or changes to
11 the Director.

12 (b) An application for a Sanitary Permit to operate all new or existing chemical toilet
13 establishments shall be made in writing on a form prescribed by the Department, signed by the
14 applicant or his authorized agent, and shall contain such information that will determine that the
15 facility and its operation are in compliance with the applicable provisions of these regulations.
16 The following information shall be included:

- 17 (1) Type of disinfection to be used;
18 (2) The frequency at which the chemical toilets will be serviced; and
19 (3) Where the chemical toilet wastes will be disposed.

20 (c) Before pre-operation inspections of the chemical toilet establishment, chemical
21 toilets, and sewage pumper truck are conducted, the plans and specifications shall be submitted
22 to the Director in accordance with the requirements established in these regulations, which shall
23 include, but are not limited to, the following:

- (1) The dimensions of the proposed establishment;
 - (2) The location, number, and type of plumbing fixtures including all water supply fixtures and toilet fixtures, and other fixtures and equipment,
 - (3) If a newly-constructed building, the general layout of water supply lines, wastewater lines, or methods of wastewater disposal;
 - (4) Chemical toilet and sewage pumper truck specifications; and
 - (5) A list of all chemical toilets in their inventory and a means of identifying each chemical toilet. The operator must ensure that the identifying number or mark indicated in the list is visible on the chemical toilet.
- (d) Before the application for a Sanitary Permit shall be approved, the Department shall verify that the chemical toilet establishment and chemical toilets meet the minimum sanitary requirements and standards. This shall include the access onto premises, inspection, and investigation.
- (e) If, upon inspection, the Director is satisfied that the chemical toilet establishment meets the qualifications and standards prescribed in these rules and regulations, a non-transferable Sanitary Permit shall be issued. The Sanitary Permit shall be posted in a conspicuous area designated by the Director.
- (f) An application for renewal of Sanitary Permit shall be submitted no earlier than 30 days prior to its expiration date.
- (g) The chemical toilet establishment shall adhere to the most recently adopted building, plumbing, and fire, and other pertinent regulatory codes.

§41906. Disposal Sites.

1 All waste must be disposed of at an approved disposal facility. The chemical toilet
2 operator shall obtain the necessary approvals and permits from the appropriate regulatory
3 agencies.

4 **§41907. Sewage Pumper Truck Requirements.**

5 The sewage pumper truck shall be constructed so to prevent the leakage, spillage, and
6 splashing of its contents and shall be constructed of metal and its tank is watertight and splash-
7 proof.

8 (a) A leak-proof gate or ball valve must be provided on each tank for the discharge or
9 loading of the contents. Sewage pumper truck must also have a leak-proof screw plug or cap on
10 each valve at all times. The cap must be chained at all times.

11 (b) A pipe or hose of sufficient length to fully extend into a sewer manhole or
12 disposal pit must be provided. The pipe or hose must be completely drained into the manhole or
13 pit to avoid any spillage of contents onto the ground.

14 (c) All racks for carrying equipment on the truck must be made of metal.

15 (d) All parts of the truck and equipment must be designed and maintained to be easily
16 cleanable.

17 (e) Sewage pumper truck shall have the name and address of the company printed on
18 both sides of the tank or truck in letters at least four inches (4") high with strokes at least half
19 inch (1/2") wide.

20 **§41908. Pumping and Cleaning Operations.**

21 Pumping and cleaning operations shall be conducted in a manner that will not endanger
22 human health or the environment and at a frequency of at least one time every seven (7) calendar
23 days for route units. Any spillage of sewage must be cleaned immediately. All cleaning of the

sewage pumper truck shall be conducted at the chemical toilet establishment. (Pumping and cleaning operations must be in accordance to 22 GAR – GEPA Div. II – Water Control §12117, regarding cleaning wastewater systems, disposal of wastewater, requirements and procedures.)

§41909. Chemical Toilet Requirements.

(a) Buildings housing chemical toilet rooms may be mobile trailers or prefabricated, skid-mounted or otherwise portable structures. If they contain more than one stool, each stool shall occupy a separate compartment with a door and walls or partitions between stools sufficient to assure privacy.

(b) Toilet rooms must be designed, constructed, and maintained to prevent the access of flies or vermin to the wastes.

(c) The interior floors, walls, ceilings, partitions, and doors of all toilet rooms must be of durable, non-absorbent material, smooth, and easily cleanable.

(d) Each toilet facility must be smooth, durable, easily cleanable, and non-absorbent.

(e) The toilet rooms must be ventilated and provided with self-closing doors, lockable from the inside. All ventilation openings to the units, except vent pipes, shall be covered with a screen. Toilet rooms that are not ventilated by mechanical means shall be provided with a screened ventilation opening having a cross-sectional area of at least one square foot (1 ft²) per stool covered with 16 mesh to 1 inch screen.

(f) Every toilet room shall provide adequate space for the user with minimum inside dimensions of three feet (3') front-to-back and side-to-side, inside clear height of six feet six inches (6'6") and a stool riser height of fourteen to twenty inches (14" to 20").

(g) The waste containers (tanks) of chemical toilets must be constructed of durable, easily cleanable, non-absorbent, and watertight materials. Tank size must be sufficient to contain

the initial chemical charge and provide capacity for at least one day's use for forty persons (a minimum tank capacity of 33 gallons must be provided). Ventilation of the tank to the outside of the structure shall be with a minimum nominal vent area of seven square inches (7 in²). Construction of the tank must be such as to prevent spillage from occurring when tipped or turned over.

(h) Only U.S. Environmental Protection Agency approved chemicals, capable of controlling odors, disinfecting, and liquefying solids, must be used in chemical toilets.

(i) Chemical toilets must be maintained in a clean and sanitary manner, free of odor and stains by the renter of the chemical toilet and the supplier of the chemical toilet, while in use, storage, and prior to release.

(j) Each chemical toilet must be identified with the name of the company and a unit number. The lettering must be at least one inch (1") in height, contrasting color to chemical toilet and posted in a clear and conspicuous area to be easily seen by the public, and shall not be less than five feet (5') in height.

(k) Chemical toilets shall be stored at the chemical toilet establishment when not in use.

§41910. Usage

(a) Route Units. On a construction site, each weekly serviced toilet unit can accommodate 10 workers (working a single 40 hour shift).

(b) Special Events Units. Each unit can accommodate approximately 200 uses with 4 hours between uses before service is required.

(c) Toilet facilities shall be installed, maintained and operated in a manner that will not endanger the health and safety of employees.

(d) Toilet facilities, in toilet rooms separate for each sex, shall be provided in all places of employment whether indoors, outdoors or underground, except that where toilet rooms will be occupied by no more than one person at a time, can be latched from the inside and contain at least one stool, separate toilet rooms for each sex need not be provided.

(e) The number of facilities to be provided for each sex shall be based upon the number of employees of that sex for whom the facilities are furnished and shall be in accordance with Table 1. Where single-occupancy toilet rooms have more than one toilet facility, only one such facility in each toilet room shall be counted for the purpose of Table 1.

(f) Where employees of more than one employer are present at a place of employment (such as, but not necessarily limited to, construction sites with employees of several subcontractors), it shall be the responsibility of each employer to provide toilet facilities sufficient for the total number of his own employees.

(g) Where the number of employees at a place of employment fluctuates widely, the number of toilet facilities required shall be determined by the maximum number of employees present on a regular shift.

Table 1. Minimum Number of Toilet Facilities

Number of Employees	Minimum Number of Toilet Facilities
	If serviced once per week*
1-10	1
11-20	2
21-30	3
31-40	4
Over 40	1 additional facility for each 10 additional employees
* "Servicing" refers to the emptying of waste and the cleaning of the toilet facility.	

**Table 1. Minimum Number of Toilet Facilities
(cont.)**

Number of Employees	Minimum Number of Toilet Facilities
	If serviced more than once per week*
1-15	1
16-35	2
36-55	3
56-75	4
76-95	5
Over 95	1 additional facility for each 20 additional employees
* "Servicing" refers to the emptying of waste and the cleaning of the toilet facility.	

§41911. Service

The minimum established standard for route units is weekly service and for special event units when at 1/3 tank capacity. Service includes the following:

- (1) Pumping or evacuating the effluent from the portable toilet receptacle into the truck holding tank;
- (2) Recharging the portable toilet holding tank;
- (3) Cleaning and sanitizing the interior of the portable toilet by scrubbing with brushes and towel drying;
- (4) Providing toilet tissue;
- (5) Performing minor repairs to the portable toilet as needed; and
- (6) Effluent is disposed of at licensed and approved disposal sites as needed.

It shall be the responsibility of the employer to ensure that all toilet rooms and facilities are maintained in a clean and sanitary condition. If toilet facilities are of the types that require periodic servicing, it shall be the responsibility of the employer to provide sufficient toilet facilities and servicing to prevent the stated capacity of those facilities from being exceeded.

1 The employer shall also assure ready access to the toilet facilities by the required servicing
2 equipment.

3 **§41912. Inspection and Grading**

4 (a) Access

5 An employee or representative of the Department shall, after proper presentation of
6 credentials, have access to any chemical toilet establishment at any reasonable time for the
7 purpose of making inspections to determine compliance with these rules and regulations. Denial
8 of access shall be cause for suspension of the Sanitary Permit.

9 (b) Report of Inspections

10 Whenever an inspection of a chemical toilet establishment is conducted, the findings
11 shall be recorded on a form authorized by the Director, shall summarize the requirements of
12 these rules and regulations, and shall set forth a demerit value for each requirement. Inspection
13 remarks shall be written to reference, by section number, the section violated and shall state the
14 correction to be made. The rating score of the establishment shall be the total of the demerit
15 values for all violations. A copy of the completed inspection report form shall be issued to the
16 operator of the establishment at the conclusion of the inspection. The completed form is a public
17 document that shall be made available for public disclosure to any person who requests it
18 according to law.

19 (c) Appeal

20 The report of inspection of a chemical toilet establishment shall state that an opportunity
21 for appeal from any notice or inspection findings will be provided if a written request for a
22 hearing is filed with the Director within the period of time established in the notice for
23 correction.

1 (d) Grading

2 (1) Grades of a chemical toilet establishment shall be as follows:

3 i. Grade A: An establishment having a demerit score of not more than ten
4 (10);

5 ii. Grade B: An establishment having a demerit score of more than ten (10)
6 but not more than twenty (20);

7 iii. Grade C: An establishment having a demerit score of more than twenty
8 (20) but not more than forty (40); and

9 iv. Grade D: An establishment having a demerit score of more than forty
10 (40).

11 (2) Notwithstanding the grade criteria established above, whenever a second
12 consecutive (“repeat”) violation of the same item of 1, 3, or 6 demerit points is
13 discovered, the Sanitary Permit may be suspended or the establishment shall be
14 downgraded to the next lower grade.

15 (3) Immediately following such inspection, the Director shall post the
16 appropriate notice in accordance with these rules and regulations. The permit holder or
17 operator of the establishment, the grade of which has been lowered, may, at anytime,
18 request an inspection for the purpose of regarding the establishment. Within ten (10)
19 days following receipt of a request including a signed statement that the conditions
20 responsible for the lowering of the grade have, in the applicant’s opinion, been corrected,
21 the Director shall make an inspection; and thereafter, as many additional inspections as
22 he/she may deem necessary to assure himself/herself that the applicant is complying with

1 the higher grade requirements; and, if the findings indicate compliance shall award the
2 higher grade.

3 (e) The Department shall issue a placard reflecting the letter grade of the most recent
4 inspection.

5 (f) The operator shall ensure that he/she, or a designee, be present during inspections of
6 a chemical toilet establishment by the Department.

7 (g) Posting

8 (1) Copies of the inspection report and grade shall be posted in a place designated
9 by the representative of the Division of Environmental Health, DPHSS, where they will
10 be in full view of the public. Failure to post or unauthorized removal will result in
11 appropriate demerits being given.

12 (h) Correction of Violations

13 (1) The completed inspection report form shall specify a reasonable period of
14 time for the correction of the violations found; and correction of the violations shall be
15 accomplished within the period specified, in accordance with the following provisions:

16 (A) If an imminent health hazard exists, such as a spill or leak, the
17 chemical toilet establishment, toilet room, or stool shall immediately cease
18 operations. Operations shall not be resumed until authorized by the Division of
19 Environmental Health, DPHSS.

20 (B) All violations of six (6) demerit items shall be corrected as soon as
21 possible, but in any event, within ten (10) days following inspection. Within fifteen
22 (15) days after the inspection, the holder of the permit shall notify the Division of

1 Environmental Health, DPHSS stating that the six (6) demerit violations have been
2 corrected. A follow-up inspection shall be conducted to confirm correction.

3 (C) If the demerit score of the establishment is twenty (20) demerits or
4 less, all 1 and 3 demerit violations must be corrected within thirty (30) days. If the
5 demerit score is more than twenty (20) but less than forty (40), all 1 and 3 demerit
6 violations which are non – structural shall be corrected within fifteen (15) days.
7 Structural violations shall be corrected within thirty (30) days.

8 (D) When the demerit score of the establishment is more than forty (40),
9 the sanitary permit shall be immediately suspended.

10 (2) The inspection report shall state that failure to comply with any time limits for
11 corrections may result in permit suspension or downgrading. An opportunity for hearing
12 on the inspection findings or the time limitations or both will be provided if a written
13 request is filed with the Director within the period of time established in the notice for
14 corrections. If a request for hearing is received, a hearing shall be held within twenty
15 (20) days of receipt of the request.

16 (3) Whenever a chemical toilet establishment is required under the provisions in
17 these regulations to cease operations, it shall not resume operations until it is shown on
18 re-inspection that conditions responsible for the order to cease operations no longer exist.
19 Opportunity for re-inspection shall be offered within a reasonable time.

20 **§41913. Ceasing of Operations.**

21 The Director shall order a chemical toilet establishment to immediately cease operations
22 whenever he finds that the operation jeopardizes the health and safety of the people.

1 Additionally, the chemical toilet establishment shall cease operations immediately for any of the
2 following conditions:

- 3 (a) A sewage pumper truck leaking wastewater;
- 4 (b) Wastewater leaking from a chemical toilet; and
- 5 (c) Standing pools of wastewater at a chemical toilet establishment.

6 **§41914. Administrative Penalties.**

7 (a) The Director may impose a fine for any Chemical Toilet Operator that violates any
8 provisions of these rules and regulations. The monetary fine for the administrative violation
9 shall be by:

10 (1) A fine not exceeding One Thousand Dollars (\$1,000) for a first violation per
11 day of continuing violation.

12 (2) A fine not exceeding Two Thousand Dollars (\$2,000) for an additional
13 violation per day of continuing violation within 1 year, however, if second violation is a
14 repeat violation, a fine not exceeding Three Thousand Dollars (\$3,000) shall be imposed.

15 (b) Before imposing an administrative penalty against a Chemical Toilet Operator, the
16 Director shall issue a notice of intent to impose the penalty and provide the Chemical Toilet
17 Operator being penalized an opportunity to request a hearing on the proposed penalty. The
18 Administrative Adjudication Law (Title 5 Guam Code Annotated, Chapter 9) hearing procedures
19 shall apply. The request must be made within ten (10) days of the date that the notice is served
20 upon the Chemical Toilet Operator.

21 (c) Any Chemical Toilet Operator may seek review of any administrative penalty
22 imposed before the Superior Court of Guam. Such review shall be upon the record established

1 before the Director and not *de novo*. The Superior Court may sustain, modify or vacate any
2 administrative penalty it reviews.

3 (d) If any Chemical Toilet Operator fails to comply with an administrative penalty
4 order after it has become final, the Attorney General shall bring a civil action to enforce the order
5 and to recover the amount ordered or assessed, plus current interest from the date of the final
6 order or decision. To prevail in such an action, the Director need establish only that:

7 (1) Notice was given as required;

8 (2) A hearing was granted to the defendant or that the defendant requested no
9 hearing; and

10 (3) The penalty was imposed and has become final either because the
11 administrative order was not appealed to the Superior Court, or that after judicial review
12 the administrative order remains an unsatisfied obligation.

13 **§41915. Effective Date.**

14 These rules and regulations shall be immediately effective after the ninety (90) calendar
15 days have elapsed from the date of filing with the Legislative Secretary, pursuant to Public Law
16 No. 24-27. At that time, all other rules and regulations or parts of other rules and regulations that
17 conflict with these rules and regulations are repealed. The adoption of these rules and
18 regulations shall not prohibit the Department from delaying the implementation of all or certain
19 sections of these rules and regulations if the Department believes doing so would better
20 effectuate its purpose; provided, such delay shall not exceed 365 days of its effective date.

21 **§41916. Severability.**

22 If any provision or the application of any provision of these regulations is held invalid,
23 that invalidity shall not affect other provisions or applications of these rules and regulations.